

**BOARD OF GAME AND INLAND FISHERIES MEETING MINUTES**  
**4000 West Broad Street**  
**Richmond, Virginia**  
**June 25, 2004, 9:00 a.m.**

**PRESENT:** Dan Hoffler, Chairman, C. Marshall Davison, John W. Montgomery, Jr., Richard E. Railey, Jr., Will McNeely, Sherry S. Crumley, Dan R. McCoy, Charles H. Cunningham, **ABSENT:** Jack T. Shoosmith, personal illness, Cecil T. Campbell, family obligation, Richard Corrigan, schedule conflict, **DIRECTOR,** William L. Woodfin, Jr., **LEGAL COUNSEL,** Roger Chaffe, **SENIOR STAFF:** Ray Davis, David Whitehurst, Charlie Sledd, Gary Martel, Bob Duncan, Herb Foster

At 9:00 a.m., in the executive conference room, Board members greeted The Honorable Mark R. Warner, Governor of the Commonwealth of Virginia. Staff photographers were available to take pictures of the Governor with Board members.

At 9:12 a.m. Chairman Hoffler called the meeting to order and announced that a quorum was present. Colonel Foster led the Pledge of Allegiance to the Flag.

Chairman Hoffler introduced the Governor and welcomed him to the meeting on behalf of the Board and the constituents of the Department of Game and Inland Fisheries. He thanked Governor Warner for sharing his valuable time with the Board and the Department. Governor Warner was recognized for his support of the Department of Game and Inland Fisheries with the Level I designation approved June 16, 2004 by the reconvened session of the General Assembly.

In his comments, Governor Warner recognized the sportsmen of the Commonwealth for their support during his gubernatorial campaign and he commended the Department of Game and Inland Fisheries for its work for sportsmen of the Commonwealth.

The Governor commented that the Department of Game and Inland Fisheries is recognized nationwide for its accomplishments, and he added that he felt that the Level I designation was the right thing to do. Governor Warner noted that the Level I designation was a bipartisan effort that received overwhelming approval by the state's legislature.

Former Board Chairman Charles G. McDaniel was recognized by Governor Warner for the role that he played in achieving the Level I designation.

Governor Warner acknowledged Alisa Bailey, Director of the Virginia Tourism Corporation, and announced that in 2007, the Outdoors Writers Association of America Conference will be held in Roanoke, Virginia.

Governor Warner concluded his remarks by thanking all Board members for their service.

The meeting was recessed at 9:30 a.m. and was reconvened by the Chairman at 9:37 a.m.

**Closed Session:** At 9:40 a.m., Ms. Crumley moved, seconded by Mr. Montgomery, passed unanimously, that the Board go into a closed meeting pursuant to § 2.2-3711.A.3 of the Code of Virginia for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property with respect to properties located in Charles City County, the City of Chesapeake, and Appomattox, Buckingham and Prince Edward counties, and further, pursuant to § 2.2-3711.A.7 of the Code of Virginia for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, namely *Roesch, et al. v. Auerbach, et al.*, Circuit Court of Fairfax County Chancery No. 188817. (Ayes: Hoffler, Davison, Montgomery, Railey, McNeely, Crumley, McCoy and Cunningham).

In open session at 10:10 a.m., Ms. Crumley certified, seconded by Mr. Montgomery, passed unanimously, that whereas the Board of Game and Inland Fisheries had convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and whereas § 2.2-3712.D of the Code requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law; now, therefore, be it resolved that the Board of Game and Inland Fisheries hereby certifies that, (i) to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

Mr. Montgomery moved, seconded by Mr. Cunningham, passed unanimously that the Board return to open session. (Ayes: Hoffler, Davison, Montgomery, Railey, McNeely, Crumley, McCoy and Cunningham).

Ms. Crumley moved, seconded by Mr. Montgomery, passed unanimously, that the Board authorize the Director to proceed to acquire approximately 103.5 acres of land in Charles City County, Virginia, and such acquisition shall be according to applicable state procedures. (Ayes: Hoffler, Davison, Montgomery, Railey, McNeely, Crumley, McCoy and Cunningham).

**Public Comments, Non-Agenda Items:** Chairman Hoffler requested individuals speaking on behalf of groups or organizations to limit their comments to five minutes. Three minutes were provided for individual comments.

**Paulette Albright, Montebello, Virginia** thanked the Board for reopening state fish hatcheries to public visitation. Ms. Albright noted that even though the Montebello facility had been closed for over one year, it is again attracting visitors. She added that the citizens of Montebello are grateful to those state legislators that modified spending priorities to restore public access to these state-owned facilities. She congratulated the Board on the Level I designation and stated that she hopes that it will result in game wardens receiving more appropriate compensation.

Note to Minutes: The Montebello facility was actually closed to general public visitation in early November 2003 and was reopened in April 2004. Special tours were provided on an as-needed basis during the winter months when the facility did not maintain general public visitation hours.

**Dean Miller, Colonial Heights, Virginia:** As a volunteer for the Hunters for the Hungry program, Mr. Miller asked that the Department insure that the Hunters for the Hungry \$2.00 check-off on state issued licenses is fulfilled. He asked also that the Board recognize Department staff for the work done to support the annual Outdoor Show held in Richmond at The Showplace.

**Kenny Parr, Spring Grove, Virginia** declined to speak.

**Dawn Kirk, representing the George Washington & Jefferson National Forests** thanked the Board and the Department for the continued opportunity to work cooperatively on fish and wildlife habitat management using National Forest funds.

**Recognition of Employees and Others:** Video footage was shown on the rescue of five teenagers trapped by floodwaters that were the results of a powerful storm at the Powhatan Wildlife Management Area. High water caused the dams at the Powhatan Lakes to breach on June 16, 2004.

David Ellinghausen, manager at the Powhatan Wildlife Management Area and Harold Green, an adjacent private landowner, were presented with plaques recognizing them for what they did to rescue the trapped youths. The Board of the Department of Game and Inland Fisheries commends the heroism of David Ellenhauser and Harold Green for risking their lives to rescue a stranded youth.

David Whitehurst introduced **Caroline Coe, representing the Virginia Audubon Council.** Ms. Coe presented the Board Chairman with a plaque recognizing the Saxs

Wildlife Management Area as an Important Bird Area (IBA), a National Audubon Society program.

Colonel Herb Foster introduced the 2004 Virginia Game Warden of the Year, Baxter I. Bell, III. Officer Bell was commended for the great work that he does for the Department.

**Minutes of Meeting:** Copies of the draft minutes of the March 25, 2004 Board of Game and Inland Fisheries meeting were included with the meeting briefing materials as well as being posted on the agency's Web Site. Chairman Hoffler called for any additions or corrections to the minutes. As there were none, **Mr. Cunningham moved, seconded by Mr. Railey, passed unanimously that the minutes be approved as written. (Ayes: Hoffler, Davison, Montgomery, Railey, McNeely, Crumley, McCoy and Cunningham).**

**Automated Harvest Report System:** Bob Duncan was requested to present the following regulation amendments to allow for the automated checking of harvested game. A summary of the public comments received on this advertised regulation proposal was included in the meeting briefing materials.

Amend **4 VAC 15-50-81** to clarify the appropriate way to notch the bear tag from the bear, deer and turkey license.

Amend **4 VAC 15-90-231** to clarify the appropriate way to notch a deer tag from the bear, deer and turkey license and removes the reference to Telecheck by substituting the phrase automated harvest reporting system.

Amend **4 VAC 15-90-241** to (i) remove the reference to Telecheck by substituting the phrase automated harvest reporting system, and (ii) add text to describe the forfeiture of the deer carcass to the Commonwealth if this section is violated.

Amend **4 VAC 15-240-81** to (i) clarify the appropriate way to notch a turkey tag from the bear, deer and turkey license, and (ii) remove the reference to Telecheck by substituting the phrase automated harvest reporting system.

Amend **4 VAC 15-240-91** to (i) remove the reference to Telecheck by substituting the phrase automated harvest reporting system, and (ii) add text to describe the forfeiture of the turkey carcass to the Commonwealth if this section is violated.

Mr. Railey moved, seconded by Mr. Montgomery, passed unanimously that the Board approve the above regulation amendments, as advertised. **(Ayes: Hoffler, Davison, Montgomery, Railey, McNeely, Crumley, McCoy and Cunningham).**

**WEBLESS MIGRATORY GAME BIRD SEASONS:** Bob Duncan presented the following federal framework and staff recommendations for webless migratory game bird seasons. He noted for the record that the final framework is not yet available. Based on this, in the motion approving the webless migratory game bird seasons, the Board authorized staff to adjust the approved seasons, as needed, to meet framework requirements. Except as noted, shooting hours are between one-half hour before sunrise to sunset in both the federal framework and seasons recommended by staff. On June 16, 2004, a public input meeting was held in Richmond to receive comments on staff's recommendations for the webless migratory game bird seasons.

**FEDERAL FRAMEWORK: Dove:** The federal outside season dates for dove are September 1, 2004 through January 15, 2005, with two available options for season length and bag limits. Option A offers a season of not more than 70 days, with a bag limit of 12 daily, 24 in possession. Option B offers a season of not more than 60 days, with a bag limit of 15, 30 in possession.

**Rails:** The outside season dates for rail are September 1, 2004 through January 20, 2005, with a season of not more than 70 days, straight or in two segments. The bag limit for clapper/king rail is 15 daily, 30 in possession and sora/Virginia, 25 daily, 25 in possession.

**Woodcock:** The outside season dates are October 1, 2004 through January 31, 2005, with a season of not more than 30 days, straight or in two segments. The bag limit is 3 daily, 6 in possession.

**Common Snipe:** The outside season dates are September 1, 2004 thorough January 31, 2005, with a season of not more than 107 days, straight or in two segments. The bag limit is 8 daily, 16 in possession.

**Canada Goose:** The outside season dates for the resident Canada goose season are September 1- 25, 2004, with a bag limit of 8, 16 in possession.

**September Teal Season:** The outside dates are September 1-30, 2004, with a season up to nine days. The bag limit is 4 daily, 8 in possession (only blue winged and green-winged teal).

**Falconry:** The outside season dates are September 1, 2004 thorough March 10, 2005, with a season of not more than 107 days on any species (firearms and falconry combined). The bag limit is 3, 6 in possession.

**STAFF RECOMMENDATIONS-Dove:** Staff recommended Option A, a 70-day, three segment season: September 4 through September 25, 2004, October 9 through November 6, 2004 and December 28, 2004 through January 15, 2005. The bag limit is 12 daily, 24 in possession. Shooting hours are noon until sunset during the first segment.

**Rails: (Clapper, King, Sora and Virginia):** Staff recommended season dates of September 13 through November 20, 2004, with a bag limit of 15 counted together daily, 30 in possession for clapper and king rail. The bag limit for sora and Virginia rail is 25 counted together daily, 25 in possession.

**Woodcock:** A two-segment, 30-day season was recommended (October 30 through November 13, 2004 and December 18, 2004 through January 1, 2005). The bag limit is 3 daily, 6 in possession.

**Common Snipe:** Staff recommended a two-segment season (October 7-11, 2004 and October 22, 2004 through January 31, 2005). The daily bag limit is 8, 16 in possession.

**Canada Goose:** Season dates recommended are September 1-25, 2004, with a daily bag limit of 5, 10 in possession, statewide.

**September Teal:** Season dates recommended are September 16-25, 2004, East of I-95. The bag limit is 4 daily, 8 in possession, any combination of blue-winged and green-winged teal.

**Falconry: Dove:** September 4 through November 6, 2004. December 4, 2004 through January 15, 2005. **Rail:** September 13, 2004 through November 20, 2004. **Woodcock:** October 22, 2004 through January 31, 2005. **Snipe:** October 7-11, 2004 and October 22, 2004 through January 31, 2005. **Goose:** September 1-25, 2004. **Teal:** September 16-25, 2004 (east of I-95 only).

After an opportunity was provided for discussion of the recommended webless migratory game bird seasons, **Ms. Crumley moved approval of staff recommendations for seasons and bag limits for webless migratory game birds, seconded by Mr. Davison, passed unanimously. (Ayes: Hoffler, Davison, Montgomery, Railey, McNeely, Crumley, McCoy and Cunningham).**

**WATERFOWL BLIND DEFINITIONS:** Charlie Sledd presented a proposed amendment to **4 VAC 15-260-10** to define stationary blind to reflect the term's definition enacted in the Code of Virginia, define floating blind using the stationary blind definition as the basis, and rescind the overall definition of blind as unnecessary given that the two types of lawful blinds, floating and stationary, would both be defined.

**After a opportunity was provided to discuss the proposed amendment, Mr. Cunningham moved, seconded by Mr. Montgomery, passed unanimously, that the Board propose the regulation amendment on waterfowl blind definitions as presented, and that the Board delegate to the Director of the Department of Game and Inland Fisheries the authority to adopt a final regulation amendment, after consideration of public comments received during a 30-day public comment period, and publication and advertisement of the Board's proposed amendment, without further action by the Board. (Ayes: Hoffler, Davison, Montgomery, Railey, McNeely, Crumley, McCoy and Cunningham).**

**LAND LEASE FEE DISCUSSION:** Charlie Sledd presented staff recommendations to amend **4 VAC 15-40-280** to establish the requirement for an annual hunting stamp, with the cost to correspond to that of an annual state resident hunting license, to hunt on private lands managed by the Department through a lease agreement or similar memorandum of understanding. This annual hunting stamp is in addition to all required licenses to hunt.

After an opportunity was provided for discussion on this proposed regulation amendment, **Mr. Railey moved, seconded by Mr. McNeely, passed unanimously, that the Board advertise for comment the proposed regulation amendment as presented, to establish an annual hunting stamp to hunt on private lands managed by the Department through lease agreements or similar memorandums of understanding. (Ayes: Hoffler, Davison, Montgomery, Railey, McNeely, Crumley, McCoy and Cunningham).**

**ACCESS FEES TO FISH HATCHERIES:** Charlie Sledd presented staff recommendations, as authorized by a 2004 action of the General Assembly, to amend **4 VAC 15-320-100** to establish a one dollar (\$1.00) access fee per visitor to Department-owned hatcheries.

After an opportunity was provided for discussion on this proposed regulation amendment, **Mr. Railey moved, seconded by Mr. Montgomery, passed unanimously, that the Board propose the regulation amendment for advertisement, as presented, to establish a \$1.00 visitor fee to fish hatcheries. (Ayes: Hoffler, Davison, Montgomery, Railey, McNeely, Crumley, McCoy and Cunningham).**

A break was announced at 11:00 a.m. and the meeting was reconvened at 11:10 a.m.

**BUDGET DISCUSSION:** Ray Davis presented an overview of the Department's 2004-2005 budget that is based on its Board approved mission statement. For FY 2005, the agency's operating budget cannot exceed \$44.9 million, per HB 5001 (the Budget Bill). The agency's employment level cannot exceed 472. Additionally, in October 2004, 6.5 IT positions will be transferred to Virginia Information Technology Agency (VITA). Also, the Board requires a \$4 million cash reserve and the agency maintains that no more than 65% of its resources can be used for personnel services.

The Department's budget is defined in four functional areas: wildlife associated and boating outdoor recreation, wildlife associated and boating outdoor education, environmental diversity and administration.

The Department's programmatic budget for operations totals \$44.7 million (includes full restoration of HB 38 funds), which includes \$34.8 for recreation, \$5.3 for environmental diversity and \$4.6 for education.

This year, the capital outlay programs budget only includes those funds that have previously been committed to capital projects and some current funds that will be derived outside of our traditional revenue sources. The major continuing capital projects are the King and Queen Hatchery renovation and the construction of the Marion office. The budget also allows for the design study of a central warehouse that will be located on the Department's land.

Noted budget highlights for this year include:

- The Department is revenue-restricted this year, law enforcement vehicle replacement will move to a 6-year cycle, and all capital projects will be funded from cash.

- The career tract progression opportunity is funded for employees. The program provides an opportunity for non-managers to be rewarded when they develop new knowledge, skills, and abilities that lead to additional competencies.
- A modest increase in the Department's boating recreation program.
- The Department's training academy has been implemented.
- New federal dollars will be spent on expanded wildlife species research/management programs.
- Point of sale development is funded, based on the WalMart model that will be implemented soon.
- Implementation of an automatic harvest reporting system.
- Ashland and Powhatan field offices consolidated into Richmond facilities, and
- Fish hatcheries have been reopened to public visitation.

After an opportunity was provided for discussion on the proposed budget, **Ms. Crumley moved, seconded by Mr. Railey, passed unanimously that the budget be approved as proposed. (Ayes: Hoffler, Davison, Montgomery, Railey, McNeely, Crumley, McCoy and Cunningham).**

**DIRECTOR'S REPORT:** Gary Martel presented an update on the snakehead fish that are being collected from Potomac River waters. This is a non-native species that is a top level predator. It is a prolific breeder. The species was found earlier in Crofton Pond in Maryland, where an effort was made to eradicate it. The species is prohibited by federal and state regulations.

Genetic testing is being conducted on the collected fish in an effort to determine some history, i.e., perhaps, are they linked to the Crofton Pond population. A toll-free telephone line has been established to report any collected fish. Identification posters have been widely distributed, and a task force has been established to work on the issue.

The Board was informed about a new Department initiative, originating in our Outdoor Education Section, known as GUIDE, that will be used to encourage participation in outdoors-related activities. The patch will be awarded when first-time hunters are taken into the field.

The Department is working with a southwestern Virginia landowner to lease 18,000 acres for public access.

The new grants position continues to successfully secure grant funds for the agency.

Director Woodfin briefly discussed the Level I designation. With the Level I designation, the Department is in a position to allow it to be competitive in state government, and work to improve compensation issues for its employees. He referenced a Department of Human Resource Management report prepared for the Senate Finance Committee that dealt with turnover in state government employment, which shows an increased trend in turnover in the state's workforce. The Department of Game and Inland Fisheries' turnover is approximately 5%.



The report compares and shows a very wide gap between salaries in the private sector and those paid to employees of government agencies. The average state salary is 20.6% below that of the private sector. In fact, the report shows that over time, state salaries have actually decreased.

Chairman Hoffler commented that the Level I designation would have been more difficult if the Board did not have a Director of Bill Woodfin's caliber.

The meeting was recessed for lunch at 11:50 a.m. and it was reconvened at 12:45 p.m.

Dan R. McCoy was presented with a plaque in recognition of his years of service on the Board. Mr. McCoy represents the Ninth Congressional District, and his term expires June 30, 2004. He is ineligible for reappointment. Chairman Hoffler commented that when complete, the Marion Office building will be named in Mr. McCoy's honor.

Mr. McCoy commented that it had been his honor to serve on the Board and added that he will continue to assist the Board whenever possible.

In open session at 12:52 p.m., **Ms. Crumley moved, seconded by Mr. McNeely, passed unanimously, that the Board go into a closed meeting pursuant to §2.2-3711.A.1 of the Code of Virginia for discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees for the Department of Game and Inland Fisheries, specifically regarding the Director's annual performance evaluation. (Ayes: Hoffler, Davison, Montgomery, Railey, McNeely, Crumley, McCoy and Cunningham).**

In open session at 1:40 p.m., **Ms. Crumley certified, seconded by Mr. Davison, passed unanimously that whereas the Board of Game and Inland Fisheries had convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and whereas § 2.2-3712.D of the Code requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law; now, therefore, be it resolved that the Board of Game and Inland Fisheries hereby certifies that, (i) to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. (Ayes: Hoffler, Davison, Montgomery, Railey, McNeely, Crumley, McCoy and Cunningham).**

The Board commended the Director's performance and highlights of his evaluation comments were shared with the audience.

Ms. Crumley moved, seconded by Mr. Davison, passed unanimously, that the Board of Game and Inland Fisheries, by authority of the state budget document, confer upon the Director the highest amount of bonus allowed by that budget document effective July 1,

2004. (Ayes: **Hoffler, Davison, Montgomery, Railey, McNeely, Crumley, McCoy and Cunningham**).

Chairman Hoffler announced that the next scheduled meeting of the Board is August 19, 2004, at 9:00 a.m. in Richmond.

Chairman Hoffler confirmed that there was no additional business. As there was none, at 1:50 p.m. **Mr. Davison moved, seconded by Ms. Crumley, passed unanimously that the meeting adjourn.**

Respectfully submitted,

Signed/Belle Harding

Belle Harding  
Secretary to the Director